

Chapter 19.790***Condominium Conversion Permits*****19.790.010 Purpose**

The purpose of these provisions is to promote greater individual choice in type, quality, price and location of housing; to provide for the housing needs of all segments of the population; to provide increased home ownership opportunities of all segments of the population; to provide a method to approve separate ownership of units within nonresidential multiple-unit buildings or upon a parcel of land containing more than one unit; to mitigate the hardship caused by displacement of tenants, particularly those in low to moderate housing, those who are elderly, families with minor dependent children, the handicapped and the disabled; to promote the safety of condominium conversion projects and the correction of building code violations in such projects; to maximize the availability of pertinent information for intelligent decision-making by public officials and potential buyers; and to generally regulate projects in accordance with State law, the General Plan, any applicable specific plans and with the public health, safety and welfare.

19.790.020 Procedures**A. General Process**

Condominium Conversion Permit (CCP) applications shall be processed in accordance with the discretionary permit processing provisions as set forth in Chapters 19.650 (Approving Authority), 19.660 (General Application Processing Procedures), 19.670 (Notices and Hearings), 19.680 (Appeals), 19.690 (Effective Dates) and other applicable Chapters of the Zoning Code.

19.790.030 Applicability and Permit Requirements**A. Condominium Conversion Permit Required**

No subdivision map shall be approved for the purpose of a conversion to a common interest development, as defined by Section 1351 of the California Civil Code and Section Article X (Definitions), unless a condominium conversion permit is processed pursuant to this Chapter and granted prior to or concurrently with such approval. No dwelling unit or mobile home space shall be the subject of a condominium conversion unless a condominium conversion permit is granted prior to such conversion.

B. Conversion of Existing Development with an Existing Condominium Map

Condominium conversions with existing Condominium maps are also subject to the provisions of this Chapter.

C. Subdivision Map

If applicable, a tentative subdivision map to implement the conversion shall be filed and considered simultaneously with the application for a condominium conversion permit. The two applications shall be jointly approved, continued or denied by the Planning Commission. The expiration date of the map, including any subsequent extensions of time, shall apply to the condominium conversion permit as well.

D. Additional Application Materials

The application for a condominium conversion permit shall include but not be limited to the following:

1. A list certified by the applicant of the names and addresses of all the tenants of the project at the time of the application; and
2. A project analysis and inspection report, complete with an inter-unit acoustical report, certified by a competent expert or experts acceptable to the Planning Division, prepared pursuant to the requirements of the applicable resolution, describing in detail the physical characteristics and condition of the subject project, including all buildings, open spaces, parking facilities and appurtenances. The certification shall be accompanied by a fully-detailed plot plan drawn to scale. The inter-unit acoustical report shall not be required for mobile home park conversions nor nonresidential conversions.

19.790.040 Definitions

For the purposes of this Chapter the following terms have the meanings as defined in [Section 1351](#) of the California Civil Code and are as follows:

- A. "Association" means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.
- B. "Common area" means the entire common interest development except the separate interests therein. The estate in the common area may be a fee, a life estate, an estate for years or any combination of the foregoing. However, the common area for a planned development specified in paragraph (2) of subdivision (k) may consist of mutual or reciprocal easement rights appurtenant to the separate interests.
- C. "Condominium site plan" means a plan consisting of (1) a description or survey map of a condominium project, which shall refer to or show monumentation on the ground, (2) a three-dimensional description of a condominium project, one or more dimensions of which may extend for an indefinite distance upwards or downwards, in sufficient detail to identify the common areas and each separate interest, and (3) a certificate consenting to the condominium conversion signed and acknowledged by the record owner of the property.

- D. "Declarant" means the person or group of persons designated in the declaration as declarant, or if no declarant is designated, the person or group of persons who sign the original declaration or who succeed to special rights, preferences, or privileges designated in the declaration as belonging to the signator of the original declaration.
- E. "Declaration" means the document, however denominated, that contains the information required by [Section 1353](#) (Ca. Civil Code).
- F. "Exclusive use common area" means a portion of the common areas designated by the declaration for the exclusive use of one or more, but fewer than all, of the owners of the separate interests and which is or will be appurtenant to the separate interest or interests.
1. Unless the declaration otherwise provides, any shutters, awnings, window boxes, doorsteps, stoops, porches, balconies, patios, exterior doors, doorframes, and hardware incident there to, screens and windows or other fixtures designed to serve a single separate interest, but located outside the boundaries of the separate interest, are exclusive use common areas allocated exclusively to that separate interest.
 2. Notwithstanding the provisions of the declaration, internal and external telephone wiring designed to serve a single separate interest, but located outside the boundaries of the separate interest, are exclusive use common areas allocated exclusively to that separate interest.
- G. "Governing documents" means the declaration and any other documents, such as bylaws, operating rules of the association, articles of incorporation, or articles of association, that govern the operation of the common interest development or association.
- H. "Planned development" means a development (other than a community apartment project, a condominium project, or a stock cooperative) having either or both of the following features:
1. The common area is owned either by an association or in common by the owners of the separate interests who possess appurtenant rights to the beneficial use and enjoyment of the common area.
 2. A power exists in the association to enforce an obligation of an owner of a separate interest with respect to the beneficial use and enjoyment of the common area by means of an assessment that may become a lien upon the separate interests in accordance with Section 1367 or 1367.1 (Cal. Civil Code).

19.790.050 Guidelines and Standards

The following guidelines and standards prescribe minimum desirable characteristics of residential properties intended for condominium conversion; however, the approval of any conversion will not necessarily be contingent upon compliance or non-compliance with all of the prescribed guidelines. Mandatory standards are so designated. Only Subsections D, H, I, J, L and M shall apply to mobile home park conversions.

A. Unit Size (Mandatory)

Each dwelling unit shall contain a minimum of 600 square.

B. Parking

A minimum of two covered parking spaces meeting established access, size and improvement standards should be provided for each dwelling unit in the project. At least 50% of the units shall have a completely enclosed, one car garage.

C. Private Open Space

All multi-family condominium conversions shall comply with the usable open space requirements of the R-3 Zones.

D. Landscaping

All open areas should be well landscaped with plant material suitable to climate and location consistent with the provisions of Chapter 19.570 (Water Efficient Landscaping and Irrigation). Said areas should be watered by a full-coverage, automated irrigation system in good working order.

E. Noise (Mandatory)

Common walls and ceilings of all units shall be constructed or upgraded using techniques to limit noise transmission as specified by the current Building Code or equivalent.

F. Fire Suppression (Mandatory)

Smoke detectors meeting the current Building and Fire Codes shall be installed in all residential units and other enclosed common areas such as hallways, recreation rooms and utility rooms. Additional fire suppression equipment such as alarm systems, fire extinguishers and sprinklers shall also be provided as recommended by the Fire Department.

G. Energy Conservation

The project should include substantial energy and resource conservation measures such as high efficiency thermal insulation, high efficiency heating and cooling equipment, limited window area or double glazing, water flow restrictors, solar water heating and the like.

H. Structural Condition (Mandatory)

All buildings shall be in sound structural condition, pest and vermin-free, watertight and have paint in adequate condition so as to not require repainting for at least five years from the date of issuance of the condominium conversion permit. All amenities and mechanical appurtenances shall be in sound working order. The applicant shall provide an inspection

report subject to the approval of the Building Official, demonstrating compliance with this requirement.

I. Domestic Facilities (Mandatory)

Each dwelling shall be provided with its own clothes washer and dryer hookups and garbage disposal facilities.

J. Utilities (Mandatory)

All utilities, plumbing and sewage disposal systems shall be in sound, safe and fully-operable condition. Each dwelling or mobile home space shall be provided with its own utility meters. A single water meter for the entire project is permitted.

K. Security

All multi-family condominium conversions shall participate in the Crime Free Multi-housing Program, or its successor equivalent.

L. Disabled Facilities

Condominium conversions shall comply with the current State law regarding access and accommodations for persons with disabilities.

M. Mobile Home Parks

The minimum desirable characteristics for mobile home parks shall be the standards established under Chapter 19.210 (Mobile Home Park Overlay Zone).

19.790.060 Additional Permit Processing Requirements

A. Public Hearing Notice to Tenants

In addition to the notice required by Chapter 19.670 (Public Hearings and Notice Requirements), if the proposed subdivision is a conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, the notice shall also be given by the City by United States mail to each tenant of the subject property, and shall also include notification of the tenant's right to appear and be heard. The requirements of this subdivision, in accordance with [Section 66451.3](#) (State Government Code) may be satisfied by service of the notice in compliance with the requirements for service of legal process by mail.

B. Report Served on Subdivider and Tenants

Any report or recommendation on a tentative map by the staff of the City to the Approving or Appeal Authority or City Council on appeal or referral shall be in writing and a copy thereof served on the subdivider and on each tenant of the subject property; in the case of

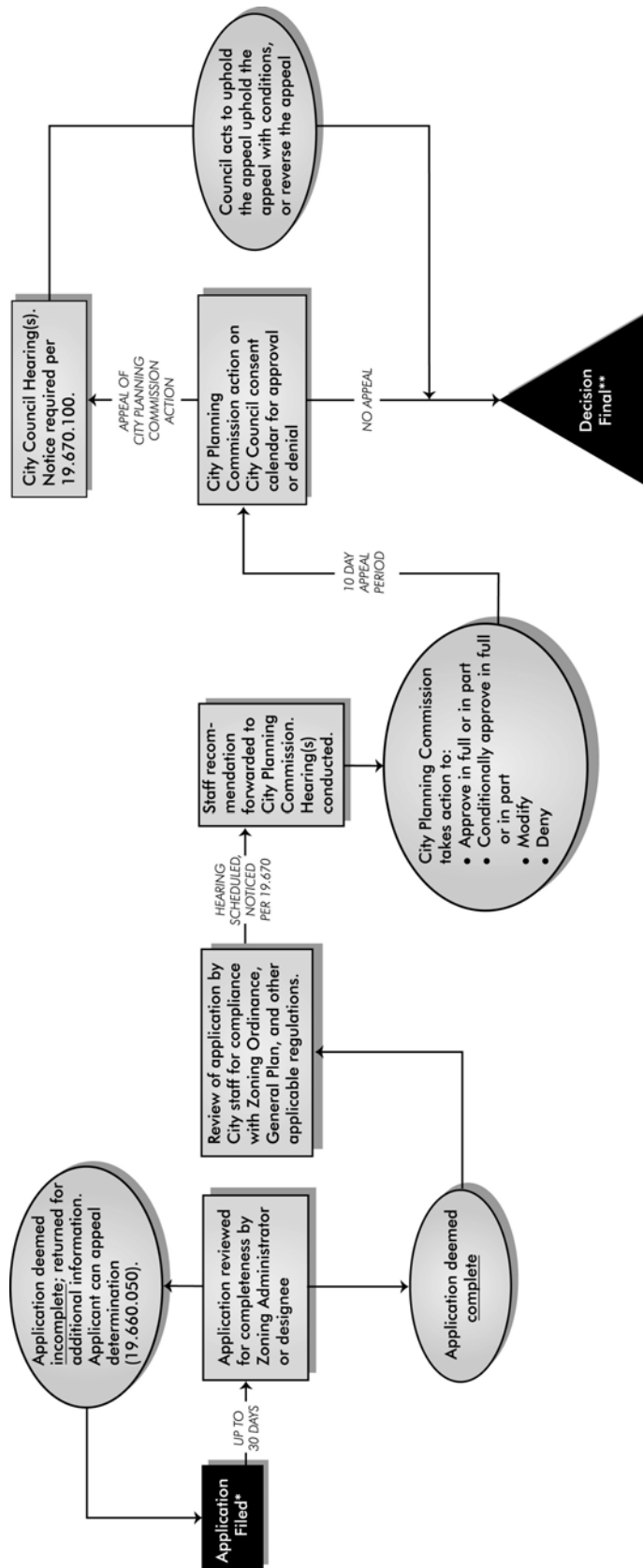
a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, at least three days prior to any hearing or action on such map by such advisory agency or legislative body.

19.790.070 Implementation

Prior to recordation of the implementing subdivision map, the applicant shall provide a covenant acceptable to the City Attorney's Office, binding upon the applicant and the applicant's heirs, successors and assigns, guaranteeing that all of the following will occur prior to sale of any condominium unit:

- A. Provision of required notice of intent to convert to a condominium as required by State laws;
- B. Provision of the right of first refusal for all existing tenants at the time of conversion to purchase their individual units at offered terms or better;
- C. Creation of a condominium owners' association;
- D. Provision of covenants, conditions and restrictions subject to approval by the Planning Division and the City Attorney's Office;
- E. Guarantee the establishment of a fund for the operation and maintenance of the condominium and its association; the amount of said fund shall equal or exceed either the Subdivision Map Act or the Department of Real Estate requirements;
- F. Establishment of and participation in a relocation program for existing tenants who do not choose to purchase units. The relocation program shall be established and operated pursuant to the regulations and standards adopted by resolution of the City Council;
- G. Provision of a covenant requiring the owner to give written notice of all variances granted from the guidelines and standards listed in Section 19.790.050 (Guidelines and Standards) to each buyer; and
- H. Re-inspection of the project in the same manner as required by Subsection C 2 of Section 19.790.030 (Applicability and Permit Requirements) immediately prior to sale of the dwelling units or mobile home spaces and correction of all unsatisfactory, unsafe or unlawful conditions prior to commencement of sale.

19.790.080 Condominium Conversion Permits Process in Flow Chart Form



* Application must be accompanied by a tentative subdivision map application; see Title 18 for applicable regulations.

** Grantee shall have one year from the effective date of approval to establish the right to use the permit (exercise permit per 19.690.060).